

# **Strengthening Homeland Innovation to Emphasize Liberty, Democracy, and Privacy Act**

## ***Executive Summary***

Strengthening our homeland security is critical to our efforts to ensure our way of life, as well as our Constitutional rights. The federal government is not consistently developing homeland security initiatives that are adequately considering privacy, due process, and civil liberties protections. This bill addresses three of the federal government's failures.

- **Creation of a Chief Privacy Officer for the Federal Government and Privacy Officers within Federal and Independent Agencies.**

There is not a single person within the Administration responsible for overseeing privacy issues throughout the government. While the Homeland Security Act created a privacy office within the Department of Homeland Security to address privacy and homeland security issues, many homeland security programs are being developed in other agencies and, consequently, are not receiving the necessary scrutiny to ensure they are protecting our citizens' rights.

The bill creates a presidentially-appointed position within the Office of Management and Budget to coordinate federal government privacy policies. This person will be responsible for evaluating technologies, assuring compliance with the Privacy Act, evaluate proposals relating to the collection, use, and disclosure of personal information, and will assume responsibility for Privacy Impact Assessment rules, regulations and oversight. The individual will be required to submit an annual report to Congress on these issues. The legislation also creates privacy offices within all federal and independent agencies.

- **Commission on Privacy, Freedom, and Homeland Security**

The Markle Foundation has found that the government lacks a "systematic effort to consider the privacy implications of the proposed programs or to develop an overall policy framework that would govern the deployment of new technologies." The federal government has not conducted a comprehensive assessment of the use of new technologies and privacy in 30 years.

The bill will create a Commission on Privacy, Freedom, and Homeland Security to conduct a comprehensive legal and factual study on the United States efforts to further homeland security in a manner that protects privacy, civil liberties, and individual freedoms. The 24-month Commission will be charged with drafting findings and recommendations on, among other items, how agencies are and should assess the privacy implications of new homeland security technologies before implementing them and deploying them. The Commission will also review and make recommendations on procedures for the Federal government's use of individual personal information from commercial databases and lists.